

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates to

All Cases

**AFFIDAVIT OF MICAH M. HINES
IN SUPPORT OF APPLICATION
FOR FEES AND COSTS PURSUANT
TO NOVEMBER 23, 2016 ORDER**

I, Micah M. Hines, declare as follows:

1. I am an attorney at Blackwell Burke P.A., and one of the attorneys representing 3M Company (“3M”) and Arizant Healthcare Inc. (“Arizant”) (collectively “Defendants”) in this litigation. I submit this affidavit in support of Defendants’ Application for Fees and Costs, pursuant to the Court’s Order of November 23, 2016. [Doc. 148] Unless otherwise stated, the facts set forth herein are based upon my personal knowledge, information, and belief.

2. Blackwell Burke has an alternative fee arrangement with 3M Company, with a fixed fee for its work in defense of this litigation. Accordingly, Blackwell Burke does not submit invoices to 3M based upon hourly fees. For purposes of calculating the fees incurred by Blackwell Burke in connection with Defendants’ Motion to Compel Third-Party Augustine Entities to Produce Documents in Response to Subpoenas (“the Motion”), we have reviewed the itemization of time for this matter as recorded by the various attorneys and a paralegal involved in the Motion. The time incurred, together

with the reasonable hourly rates of the professionals involved, is reflected below. The tasks involved by each timekeeper are attached as Exhibit A.

3. The attorneys and paralegal associated with this matter recorded a total of \$18,176.00 in fees as part of bringing this Motion. Attached hereto as Exhibit A is a record of the time entries for these professionals. Legal administrative assistants and other support staff have also devoted time to this Motion and preparing for argument at the November 17 hearing on the Motion. Their efforts are not separately recorded and are captured as overhead, which is a factor in the hourly billing rates described below.

4. I worked 21.4 hours attending meet and confers with attorney J. Randall Benham, reviewing and editing the Motion, and assisting attorney Jerry Blackwell with preparation for argument on the Motion, which resulted in fees of \$9,544.40. My billing rate for this type of litigation is \$446 per hour.

5. Jerry Blackwell, a Blackwell Burke partner representing Defendants, worked 12.5 hours preparing for argument on the Motion, which resulted in fees of \$6,562.50. Mr. Blackwell's billing rate for this type of litigation is \$525.00 per hour.

6. Ben Hulse, a Blackwell Burke partner representing Defendants, worked 1.8 hours editing the Motion, which resulted in fees of \$802.80. Mr. Hulse's billing rate for this type of litigation is \$446 per hour.

7. Katrina St. Clair, a Blackwell Burke paralegal, worked 8.4 hours preparing materials for the hearing on the Motion, which resulted in fees of \$1,318.80. Ms. St. Clair's billing rate for this type of litigation is \$157 per hour.

8. I have reviewed the timekeeping entries and I believe that the fees recorded in connection with bringing the Motion are reasonable in light of the circumstances. The work performed was necessary to Defendants' effective representation before the Court.

9. In total, therefore, Defendants request that the Court award them a total of \$18,176.00 for the attorneys' fees incurred by Blackwell Burke as a result of bringing the Motion.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

December 5, 2016

s/Micah M. Hines

Micah M. Hines